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LETTER DATED 3 JANUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF EGYPT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a letter dated 3 January 1993 from Mr. Amre Moussa, Minister for Foreign Affairs of the Arab Republic of Egypt, replying to the letter dated 27 December 1992 from the Minister for Foreign Affairs of the Republic of the Sudan addressed to the President of the Security Council.

I request you to have the annexed letter circulated as an official document of the Security Council.

(Signed) Nabil A. ELARABI
Ambassador
Permanent Representative

** Second reissue for technical reasons.

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Annex

Letter dated 3 January 1993 from the Minister for Foreign Affairs of Egypt addressed to the President of the Security Council

With reference to the note dated 27 December 1992 addressed to you by the Minister for Foreign Affairs of the Sudan, which contains a number of allegations aimed at prejudicing Egypt's sovereignty over its territory, I wish, first of all, to convey the concern of the Government and people of Egypt for the historic relations that link the peoples of Egypt and the Sudan and their keen desire to deal with any problem or dispute that may arise, in order to maintain these relations and ties within a framework of the safeguarding of rights in accordance with the existing agreements and respect for the obligations arising out of commitments made.

The Sudanese Government has, in recent times, persisted in stirring up a number of problems for non-objective ends that are at variance with the nature of the relations that link the two fraternal peoples - I almost say the single people - in ways that might be interpreted as the exploitation beyond reasonable measure of the feelings of brotherhood and friendship harboured by the Egyptian people for the fraternal Sudanese people.

The note dated 27 December 1992 addressed to you by the Minister for Foreign Affairs of the Republic of the Sudan referred to certain so-called "measures" in the Halayib area located north of the international boundary between Egypt and the Sudan and, in its conclusion, requested that Council members should be informed of these developments, which were described as threatening the security and territorial integrity of the area, and that the President of the Security Council should make efforts to restore the situation to its former state.

In this connection, and in order to set the matter straight, I wish to submit to you the following facts:

I. Article I of the Agreement of 19 January 1899 signed by the Government of Egypt and the Government of Britain, as the two administrators of the Anglo-Egyptian Condominium, clearly and unambiguously demarcated the Sudan's northern international boundary with Egypt as follows:

> "The word 'Soudan' in this Agreement means all the territories south of the 22nd parallel of latitude ..."

The representatives of the Egyptian and British Governments signed the Agreement at that time, and this Agreement has to this date remained the sole international document that defines the international boundary between the Sudan and Egypt. This Agreement has not been amended, except by the Supplementary Agreement on the status of the port of Suakin, signed by the representatives of Egypt and Britain on 10 July 1899.

II. On 26 March 1899 and 4 November 1902, the Egyptian Minister of the Interior issued two ministerial decrees placing some of the areas inside the Egyptian international boundary north of the 22nd parallel under Sudanese administration and placing some of the areas inside the Sudanese boundary south of the 22nd parallel under Egyptian administration. That was for humanitarian reasons relating to tribes dispersed on both sides of the international boundary between the two countries and was without prejudice to that line and its status. The Minister of the Interior stated that the goal was to demarcate the areas of the Arab tribes of Egypt and the Sudan for the purpose of administrative work, which emphasizes the provisional administrative nature of these arrangements. Moreover, the person who issued these decisions and the person entrusted with their implementation - the administrator of Aswan - were Egyptian government officials (at that time).

Subsequently, in 1907, an Egyptian amendment to the decree of the Egyptian Minister of the Interior of 1902 was issued, terminating the presence of the Sudanese administration in some of the territory included under the decree of the Minister of the Interior of 1902, and this was, in fact, implemented.

III. Egypt has exercised its sovereignty uninterruptedly over the administrative area north of the 22nd parallel from the signing of the 1899 Agreement up to the present, and this exercise of sovereignty has assumed numerous forms, principally the following:

1. An Egyptian security and administrative presence in the area in all forms.

2. Egypt's responsibility for granting concessions for drilling for minerals in the area to Egyptian and Sudanese companies alike, in addition to Egypt's engagement in mining activities in the area from 1915 up to the present and the establishment of a nature reserve for the protection of plant and animal life there.

3. The official maps of Egypt, from the signature of the Agreement up to the present, show that the 22nd parallel represents the international boundary line between Egypt and the Sudan.

IV. When the Sudan provoked the first crisis concerning the Egyptian-Sudanese boundary in 1958, Egypt agreed, out of concern for relations between the two fraternal countries, to postpone discussion of the problem until such time as conditions in the fraternal Sudan permitted, taking into consideration the Sudanese Government's undertakings not to take the participation of the Sudanese present in the area in the Sudanese elections of 1958 as evidence confirming its sovereignty over those areas. However, contrary to what was stated in the letter of the Sudanese Minister for Foreign Affairs, Egypt did not withdraw any forces from this area. They are actually border guard forces and are stationed on the international boundary between Egypt and the Sudan on a permanent basis.

The circumstances that led to the raising of the problem once again in 1991 was the granting by the Sudanese Government of a petroleum drilling concession in the administrative district to a Canadian company. That is what the Government of Egypt protested against at the time, and the protest caused the Sudanese Government to withdraw the permit granted to the Canadian company.

V. Following the raising of the question of Halayib anew by the Sudanese Government, the Government of Egypt responded to the Sudan's request for the holding of talks through a Joint Commission of the two countries to deal with this question in a friendly atmosphere and within the framework of the historic relations between the two fraternal countries and sent a delegation to Khartoum in March 1992 to participate in the first meeting of the Commission.

The Commission's second meeting was held at Cairo in October 1992, and Egypt was ready to send its representatives to Khartoum to attend the third meeting. However, while awaiting the invitation of the Sudanese side to convene this meeting in January 1993, Egypt was surprised by the Sudanese Government's submission to you of its note. Egypt considers this a pretext for the Sudan to cease participation in the work of the Joint Commission aimed at settling differences directly and by friendly means.

VI. The Government of the Arab Republic of Egypt considers that the reference in the recent note of the Minister for Foreign Affairs of the Sudan to "blatant aggression committed by the Egyptian forces that infiltrated ... on 9 December 1992" is unacceptable. Never, at any time, has there been an Egyptian presence in Sudanese territory south of the 22nd parallel. The Sudan's allegations that "Halayib governorate" is Sudanese territory rests on no legal, historical or factual basis. These allegations, in reality, reveal the Sudan's intentions to turn specific administrative functions entrusted to it pursuant to decrees issued by the Egyptian Minister of the Interior into permanent occupation and annexation of territory that belongs to Egypt legally and historically.

I wish to emphasize that the Egyptian presence within the Egyptian international boundaries north of the 22nd parallel in the above-mentioned area is normal and is a manifestation of Egypt's exercise of sovereignty over its territory, for the purpose of protecting that boundary from any attempts at breaching it, particularly on the part of terrorist elements, whose activity has been on the increase in recent times and could present a threat to the peace and security of the area.

Egypt's position has been and remains to affirm the necessity of discussing any difference with the Sudan within the framework of full commitment to the provisions and principles of international law and of the covenants and agreements endorsed by the two parties.

We build our relations with all States on a basis of reciprocal respect, non-intervention in internal affairs and observance of the norms and principles of good-neighbourliness. Egypt, for its part, will spare no effort to preserve the well-established and long-standing relations with its fraternal neighbour, the Sudan.

(Signed) Amre MOUSSA
Minister for Foreign Affairs
Arab Republic of Egypt